

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JULY 9, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, July 9, 1991, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George B. Cole	Member
George J. Collins	Member
William D. Stevenson, Sr.	Member

The meeting was opened by repeating the Lord's Prayer and the Pledge of Allegiance to the Flag.

M 291 91
Approval
of Minutes

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

Mr. Bayard, County Attorney, read the following correspondence:

VIRGINIA LAYFIELD, PRINCESS ANNE, MARYLAND
RE: Thanking Council for the Certificate of Appreciation given for her "Career Celebration." Also, thanking Council for its representatives who have contributed time and expertise to the Peninsula General Hospital Medical Center's Board of Trustees and various committees during her tenure.

MR. & MRS. WILLIAM MASKE, MR. & MRS. DONALD MERCNER, MR. AND MRS. KENNETH WOOD, AND MS. VERA MCVAY
RE: Funding for bus service at the CHEER Centers.

V. GEORGE CAREY, STATE REPRESENTATIVE, 36TH DISTRICT, DOVER
RE: East-West Corridor proposed by DeldOT.

D. STEPHEN PARSONS, P.A., OCEAN VIEW
RE: Extension of the zoning moratorium in the Town of Millville.

NANCY WOLFE, OWNER, CHEZ LA MER RESTAURANT, REHOBOTH
RE: Opposition to roadside seafood operations in Sussex County.

DENISE AND WILLIAM WILLIS, MILTON
RE: Opposition to Conditional Use No. 973 - scheduled for Public Hearing July 30, 1991.

ARLENE S. LITTLETON, EXECUTIVE DIRECTOR, SUSSEX COUNTY SENIOR SERVICES, INC., GEORGETOWN
RE: Transportation to Laurel Senior Center.

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DAST
Funding

Mr. Kenneth S. Bock, Administrator, Delaware Administration for Specialized Transportation (DAST), will submit a recommendation to Council for the distribution of funding for CHEER Centers in the near future. Upon confirmation of the date, Mr. Stickels, County Administrator, will advise the local CHEER Centers, thereby giving them an opportunity to have input in the discussion.

Sussex
Shooters
Club, Inc.

Mr. Bayard, County Attorney, read a letter from Mr. Harry Woodruff, President, Sussex Shooters Club, Inc., Bethany Beach, concerning leasing approximately 45 acres of land located at Transfer Station No. 6 in Omar for the purpose of establishing a shooting range. The Club is a nonprofit organization created for social purposes, and to provide shooting facilities for its members. They presently operate on leased ground; however, they need additional space to expand their facilities for different shooting interests. The Club intends to purchase liability insurance to cover not only itself, but the County if the proposed lease is approved. The range will be operated in accordance with safety guidelines established by the National Rifle Association; anticipated hours of operation will be from 8:00 a.m. until dusk, seven days a week. All range construction costs and maintenance will be provided by the Club.

Mr. Woodruff, President, and Mr. Woods, Secretary, Sussex Shooters Club, Inc., were present to answer questions. Due to the capital outlay for construction, they are looking for a long-term lease.

It was the consensus of Council that a Public Hearing should be held concerning the use of the land, thereby giving residents of the area an opportunity to have input in the decision. In addition, it was felt that the proposed insurance policy should be available to the County for review before any determination is made. Total acreage at Transfer Station No. 6 is approximately 97.2 acres; there would be no activity in the immediate area surrounding the Transfer Station.

Adminis-
trator's
Report

Mr. Stickels, County Administrator, reviewed the following information included in his Administrator's Report:

1. Employment Opportunities - Storer Cable Communications, Georgetown, is taking applications for two positions; Accounting Clerk and Installer. Applications are available at their office.

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Adminis-
trator's
Report
(Con't.)

2. Route 113 Road Project - Council will be briefed by representatives from the Delaware Department of Transportation (DelDOT) during the regularly scheduled Council meeting on July 16, 1991, concerning the progress of the Route 113 Project and the Route 1 Corridor Preservation Project which extends from Dover to Nassau.
3. Legislative Update - House Bill No. 373 - This legislation creates within the Department of Natural Resources and Environmental Control the Office of Water Facilities Management. The Office will develop and implement a Delaware Comprehensive Water Facilities Plan; may enter into agreements to operate water and/or wastewater facilities and systems; may raise funds and make loans for the planning, design, and construction of water and wastewater facilities; shall administer the State Revolving Fund; may enter into contracts to effectuate the purposes of the act; may charge an administrative fee; and may take over and operate private wastewater facilities when they are found to be in noncompliance. The bill was introduced on June 27, 1991, and had eight sponsors. Currently, it is in the House of Representatives' Natural Resources Committee. DNREC would like to see action taken on this legislation during the special session starting July 23, 1991; however, it is doubtful that this will happen. Representative V. George Carey, who chairs the House of Representatives' Natural Resources Committee, has indicated that he will not release the bill from Committee until there have been public hearings held on the legislation.
4. Division of Water Resources Application Fees - The chart below lists the new Application Fees Effective July 1, 1991; the old fees are also set out.

	<u>New</u>	<u>Old</u>
Public Well	\$ 75.00	\$ 50.00
Industrial Well	75.00	50.00
Domestic Well	35.00	-0-
Monitor Well	75.00	50.00
Heat Pump Supply Well	115.00	75.00
Heat Pump Recharge Well	75.00	50.00
Water Alloc - Pub/Ind/Com	375.00	250.00
Water Well Contractor License	150.00	100.00
Pump Installer Contractor License	115.00	75.00
Well Driller License	30.00	20.00
Pump Installer License	15.00	10.00

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M 292 91
Adopt
Resolutions
R 018 91
and
R 019 91

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt Resolution No. R 018 91 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; RALPH E. BENSON, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL" and Resolution No. R 019 91 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; RALPH E. BENSON, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL." Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Long Neck
Sanitary
Sewer
District

Mr. Wood, County Engineer, discussed the Long Neck KCI Technologies Contract Amendment. Motion M 523 89, adopted October 10, 1989, awarded to Kidde Consultants, Inc. [KCI] the Long Neck construction contract administration and coordination for \$1,595,692, based on an 18 month construction schedule. Motion M 431 90, adopted September 18, 1990, authorized Amendment No. 1 of the Construction Administration Contract for the Long Neck Sanitary Sewer District with Kidde Consultants, Inc., at no increase in price. This amendment included scope of work requirements with DNREC/EPA; post-construction compliance reporting, training of operators, start-up assistance, and post-construction assistance as requested by State and Federal regulations on funded projects. At that time, the limits of the October 10, 1989, contract had been met. It was estimated that the additional costs, to complete the scope of work as required by DNREC/EPA for post-construction compliance, would be approximately \$430,000. Today, that figure has been refined and reduced to \$385,748.

M 293 91
KCI Contract
Amendment -
Long Neck
Sanitary
Sewer
District

A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Engineering Department, County Administrator, and County Attorney, that the Sussex County contract with KCI Technologies, Inc., for the Long Neck Sanitary Sewer District Construction Management be increased due to the added scope of work from \$1,595,692 to \$1,980,748, an increase of \$385,748. Motion Adopted: 5 Yea.

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M 293 91
(Con't.)

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

West
Ocean
Farms
Request

Mr. Izzo, Assistant County Engineer, had received and verified petitions from West Ocean Farms, a 37 lot subdivision, located near Clarksville, requesting acceptance in the Suburban Community Improvements Program for street paving and stormwater management. The question of street lighting being considered was questioned.

M 294 91
West Ocean
Farms
Suburban
Community
Improvement
Program

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, based upon the recommendation of the Sussex County Engineering Department, that petitions have been verified, and the community satisfies the criteria of a Suburban Community Improvements Program; therefore, the West Ocean Farms Subdivision shall be accepted into the Suburban Community Improvement Program, and the County shall move forth in accordance with the provisions of Title 9, Chapter 5, of the Delaware Code. Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Long Neck
Sanitary
Sewer
District

Mr. Green, Chief of Utility Construction, discussed the need for Change Order No. 3 for Long Neck Sanitary Sewer District, Contract No. 3. A recapitulation of Contract No. 3 to date was distributed for Council's review.

M 295 91
Change
Order 3,
Contract
No. 3,
Long Neck
Sanitary
Sewer
District

A Motion was made by Mr. Cole, seconded by Mr. Collins, authorizing the President of the Sussex County Council to issue Change Order No. 3 for the Long Neck Sanitary Sewer District, Contract No. 3, to Onshore Construction Co., Inc., for the overlay of Pine Reach Road, as directed by the Department of Transportation, due to the excessive number of lateral cuts, for an amount of \$17,400, increasing this contract amount to \$2,798,095.50. Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

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The Preserve

Mr. Green, Chief of Utility Construction, recommended that The Preserve, a 55 lot subdivision, be granted beneficial occupancy for wastewater facilities.

M 296 91
Beneficial
Occupancy
Granted The
Preserve

A Motion was made by Mr. Cole, seconded by Mr. Benson, based upon the recommendation of the Inspection Engineer, KCI Technologies, Inc., for Sussex County Project No. 81-04, that the Sussex County Council grant "beneficial occupancy" for the wastewater facilities constructed in The Preserve, located in the Bethany Beach Sanitary Sewer District. Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

C/U #969

Conditional Use No. 969, filed on behalf of Robert D. Eckstine, was discussed. Public Hearing was held on June 11, 1991, and action was deferred.

M 297 91
Adopt
Proposed
Ordinance
C/U #969
(Denied)

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Adopt Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRSTRIP WITH HANGAR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 58.35 ACRES, MORE OR LESS" (C/U #969) filed on behalf of Robert D. Eckstine, with the following stipulations:

1. Airstrip shall be used by family owned aircraft only.
2. Use of airstrip is limited to three trips per week.
3. Site plan must be approved by Planning and Zoning Commission; all takeoffs and landings will be from the east.
4. No fuel sales allowed on site; fuel storage shall be above ground.
5. There shall be no commercial activity on the site.
6. Airstrip will remain in grass.
7. Site shall be limited to single engine aircraft.
8. Delaware Electric Cooperative will bury electric lines on Route 247.

Motion Denied: 1 Yea; 4 Nay.

Vote by Roll Call: Mr. Benson, Nay; Mr. Cole, Yea;
Mr. Collins, Nay; Mr. Stevenson, Nay;
Mr. Dukes, Nay

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Findings
of Fact
C/U #969

It was found that the conditional use was not appropriate legislative action based upon the following findings of fact:

1. The application does not comply with the requirements of a conditional use application in that the proposed airport of private ownership and use is not of a public or semi-public character.
2. The application does not comply with the requirements for a conditional use in that the proposed private use of the airport benefits solely the owner, not the public, and therefore does not promote the general convenience and welfare of Sussex County.
3. The proposed use is not compatible with the Western Sussex Land Use Plan because the Air Transportation Policy Guidelines of the Plan make no recommendations for new airports in the Western Sussex area and there are available at the Georgetown Airport adequate facilities for private general aviation.
4. The proposed private airport and use is not compatible with the Western Sussex Land Use Plan because of the possibility that the impact of the airport on the surrounding poultry houses, although unknown, is contrary to the stated goal of the Western Sussex Land Use Plan to protect the agricultural economy in the area.
5. The application, if granted, would have a negative impact on surrounding property because of the potential for safety and noise problems associated with the private airport, including the hazard created by takeoffs and landings to the transmission lines and supporting elements of Delmarva Power at the westerly end of the proposed runway.
6. The presence of a private airport in a predominantly agricultural area is not consistent with uses on neighboring properties and the presence of the airport would be detrimental to the unique character of the area.
7. The County Council adopts and incorporates by reference the findings and recommendations of the County Planning and Zoning Commission.

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M 298 91
Public
Hearing
Policy
(Denied)

A Motion was made by Mr. Benson, seconded by Mr. Collins, that all future Public Hearings be closed at the end of the hearing and left open only for technical information. Motion Denied: 2 Yea; 3 Nay.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Nay;
Mr. Collins, Yea; Mr. Stevenson, Nay;
Mr. Dukes, Nay

M 299 91
Council-
manic
Grant

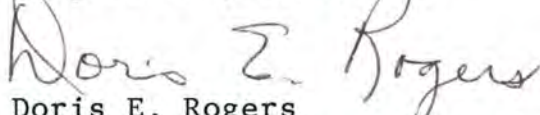
A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to give \$500, from Mr. Cole's Councilmanic Account, to The Sussex Family YMCA to assist with their 1991 operating budget. Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 300 91
Adjourn

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to adjourn at 11:55 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,


Doris E. Rogers
Clerk of the County Council